



*Maryland Department of Planning
Maryland Historical Trust*

*Martin O'Malley
Governor*

*Anthony G. Brown
Lt. Governor*

*Richard Eberhart Hall
Secretary*

*Matthew J. Power
Deputy Secretary*

Maryland Historical Trust

NOTICE

The regular meeting of the Maryland Historical Trust Board of Trustees will be held on Thursday, December 1, 2011, in the Main Conference Room 1.100A, First Floor, DHCD in Crownsville.

Committee Meetings 9:30 a.m.

Capital Programs, Room 3.120

Survey, Registration, Community
Education & Museums – OPS Open Area

Management & Planning, Room 3.114

Board Meeting 10:30 a.m.

Lunch 1:00 p.m.

This notice given October 17, 2011.

J. Rodney Little
Director

Please respond by e-mail skeyser@mdp.state.md.us or phone (410) 514-7603 by November 17, 2011.



Maryland Department of Planning
MARYLAND HISTORICAL TRUST
BOARD OF TRUSTEES' MEETING

December 1, 2011

Main Conference Room 1.100A, Crownsville, MD
Committee Meetings 9:30 a.m.; Board Meeting 10:30 a.m.

AGENDA

**Committee Only*

- X1 CALL TO ORDER
- X2 APPROVAL OF MINUTES
- X3 COMMITTEE REPORTS
- X100 Capital Programs
- X200 Survey, Registration, Community Education & Museums
- X201 *R* Approval of the 2012 MHT Preservation Awards
- X300 Management & Planning
- X301 FY2012 Budget & Legislation - Report
- X302 Litigation & Legal Issues
- X303 Changes to the Bylaws of the Maryland Historical Trust
- X304 Investment Committee - Report

MARYLAND HISTORICAL TRUST
BOARD OF TRUSTEES' MEETING

December 1, 2011

DHCD Main Conference Room 1.100A, Crownsville, MD 21032

Committee Meetings 9:30 a.m., Board Meeting 10:30 a.m.

Pursuant to notice, the regular meeting of the Board of Trustees of the Maryland Historical Trust was held at DHCD, 100 Community Place, Main Conference Room 1.100A, Crownsville, MD 21032 on December 1, 2011.

Trustees present: Wetherill, Edson, Gibson, Buchanan, Poffenberger, Luckenbach, Turner, Lighthizer, Wharton-Henley, and Yerges

Ex Officio: Kristen Harbeson for Del. Maggie McIntosh

Area Representatives present: Azola, Brown, Eshelman, Charlton, Reed, and Tilghman

Guest: Edward Fields – Odenton Heritage Society, Inc. (Observing the Board Meeting)

Principal Counsel for the Maryland Dept. of Planning: Amanda Conn

**Committee Only*

X1 CALL TO ORDER

Mr. Wetherill, Chair, called the meeting to order at 10:30 a.m. A quorum of Trustees was present.

X2 APPROVAL OF MINUTES

Mr. Reed made a motion, seconded by Mr. Turner, that the September 15, 2011 Open Session minutes be approved as submitted. The motion was approved unanimously.

Mr. Reed made a motion, seconded by Mr. Turner, that the September 15, 2011 Closed Session minutes be approved as submitted. The motion was approved unanimously.

X3 COMMITTEE REPORTS

X100 Capital Programs

X200 Survey, Registration, Community Education & Museums

X201R Approval of the 2012 Maryland Preservation Awards

Thirty-three outstanding applications were received, and 13 projects were recommended for award this year. Ms. Diehlmann presented a power point presentation of the 13 projects recommended for award.

Dr. Luckenbach made a motion to approve the following resolution, seconded by Ms. Yerges, and the resolution was unanimously approved.

RESOLVED, that the Maryland Historical Trust Board of Trustees approves the 2012 Maryland Preservation Awards recommendations of its Survey, Registration, Community Education, and Museums Committee. The recommendations are as follows:

EDUCATION & COMMUNITY ENGAGEMENT

Excellence in Media and Publications Award

- *Annapolis: City on the Severn* by Jane McWilliams
- *The War of 1812 in Charles County: A Virtual Tour*
- Montgomery County GIS Mapping

Excellence in Community Engagement

- City of Cambridge and Morgan State University – Cambridge City Hall Renovation Plans

LEADERSHIP AND SERVICE

Outstanding Individual Leadership at the Local Level

- Louis S. Diggs, Baltimore County
- Elizabeth Scott Shatto, Frederick County

Outstanding Organizational Leadership at the Local Level

- Four Rivers Heritage Area, Anne Arundel County

PROJECT EXCELLENCE

Preservation Partnership Award

- Ridgely Rosenwald School, Prince George's County

Community Impact Award

- Betterton Community Center, Kent County
- Frederick Visitor's Center, Frederick County

Excellence in Commercial Rehabilitation Award

- La Banque de Fleuve, Harford County

STEWARDSHIP

Outstanding Stewardship of an MHT Easement Property

- Holly Hill, Anne Arundel County

Outstanding Stewardship of Historic Properties by a Government Agency

- C&O Canal National Historical Park

The Awards presentation is scheduled for January 31, 2012 at 4:30 p.m. at the Calvert House. It was proposed that the scheduled Board meeting be changed from January 12th to January 31st so

that it takes place the same day as the awards. The Board meeting will be held at the Annapolis & Anne Arundel Co. Conference & Visitors Bureau, John C. Astle Conference Room, 26 West St., Annapolis from 2:00 p.m. – 4:00 p.m. It is hoped that many Delegates and Senators will attend the ceremony, and it is requested that Board members extend an invitation to their Senators and Delegates, to hear about these projects because they are examples of the public sector carrying out important work for historic preservation.

X300 Management & Planning

X301 FY2012 Budget & Legislation – Report

The Trust does not anticipate any significant legislative issues this year. The Trust is in discussions with the Department of Budget and Management about the Trust's budget request for FY 2013. The Trust is not anticipating any increases or additions but instead is anticipating significant reductions in the budget, though reductions would not currently result in any staff layoffs. If the Trust had to make staff layoffs, those would include 6 to 12 or more positions.

X302 Litigation & Legal Issues

Counsel brought the Board up-to-date on the Superblock litigation. 120 West Fayette Street LLC did file an appeal to the Court of Special Appeals from the Circuit Court of Baltimore City's decision in the State's and City's favor. The City of Baltimore filed for a petition for writ of Certiorari to the Court of Appeals. The Court of Appeals did grant that petition at the end of November. The Court of Appeals issued a scheduling order. 120 West Fayette's brief is due December 2nd, and the City's brief and MHT's brief are due December 19th. Mr. Deters, Ms. Conn, and the attorneys from the OAG civil litigation unit will be drafting that brief. Oral arguments are now scheduled for January 6, 2012. At the next Board meeting, counsel should be able to brief the Board on the oral arguments.

The Board Chair reported that he received a call from the National Trust for Historic Preservation, indicating that they will be filing an Amicus Brief in the case; and he thinks some of the Baltimore organizations such as Preservation Maryland will be joining in. They will be focusing on the question that the Circuit Court focused on which was whether 3rd parties have a right to enforce the Westside Memorandum of Agreement (MOA) or whether only parties to the agreement can enforce it. In most cases the Court grants the right to file an amicus brief.

Minutes Issue

The Trust has been advised by the Attorney General's Office as to the content required in minutes. Minutes are not required to include all of the discussion, but just need to report on actions that the Board takes. Summary style minutes, not transcription style minutes, should be taken. The Open Meetings Act does not require recording the minutes. Background materials should be attached to the minutes. Tapes should now be digitized.

Ms. Tilghman made a motion that the Board meetings be summary style minutes and actual recordings of the meeting be in digital form retained indefinitely, in keeping with the recommendations from the Attorney General's Office. The motion was seconded by Mr. Edson and was unanimously approved.

X303 Changes to the Bylaws of the Maryland Historical Trust

The Executive Committee will do a thorough review of the Bylaws between now and the next meeting. In January they will come back to the Board with some recommendations for changes. If anyone else on the Board has thoughts on the Bylaws, they should let Mr. Little or someone on the Executive Committee know. The statutory references need to be updated. Things that might be looked at are the election of officers in June, the mission of the Trust, and the terms that are provided for officers. A draft of proposed changes will be provided for action at the next meeting.

X304 Investment Committee – Report

The Investment Committee held a conference call on November 9, 2011 and heard that the investments are down a little but above the market. The primary change in the portfolio was to move some funds from an international fund, which has suffered with the turmoil in Europe, into more secure investments. The Committee is pleased with the management.

Ad Hoc Committee on the West Side – Report

The Chair will receive an official report on the West Side next week. There is a continuing concern about demolition by neglect and whether the City has repaired the Reed's Drug Store roof. The Trust and the Baltimore Commission for Historical and Architectural Preservation (CHAP) have sent letters to the City of Baltimore. The committee needs to discuss demolition by neglect for the whole 23 block area of the West Side. Questions were raised whether the City is not enforcing City codes. State resources may have to be used such as the Memorandum of Agreement (MOA) to address this issue. When the Trust wrote to the City last spring, the Trust received an unsatisfactory response. The City indicated that the City would do certain things, and the Trust has seen no evidence of any repairs. The only thing the MOA says about demolition by neglect is that the City will develop maintenance standards for properties that they acquire in the West Side. The City has responded by saying this is covered by city code, so there is no specific provision in the MOA that requires the City to do anything that is not pursuant to the MOA.

After they hear the report from the Committee, the Trust's attorneys will look into Trust options, and advise whether there are any legal mechanisms for code enforcement.

State Preservation Plan: Ms. Hughes, Ms. Diehlmann, and other staff are working to come up with a truncated plan to complete the State Preservation Plan update. One of the issues of concern is that the Board created a Steering Committee and an Advisory Committee, both of

which would be staffed by the Trust. With the shortage of Trust staff, perhaps the two committees could be combined into one.

The meeting adjourned at 12:10 p.m.

Harrison Wetherill, Chairman

J. Rodney Little, Director

